

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ENERGY WEST, INCORPORATED,

Plaintiff,

v.

UNITED STATES POWER FUND, L.P.,

Defendant.

Civ. No. 1:09-cv-00591  
Judge Christopher A. Boyko

**DEFENDANT'S MOTION TO DISMISS THE COMPLAINT**

Defendant United States Power Fund, L.P. ("USPF") respectfully moves this Court for an order dismissing plaintiff Energy West, Incorporated's complaint with prejudice. This motion is based upon USPF's memorandum of law in support of its motion to dismiss the complaint, the declaration of John Winship Read, dated November 9, 2011, including the exhibits attached thereto, and all of the papers filed and proceedings had in this action.

Dated: November 9, 2011

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was sent via the Court's electronic filing system to all parties of record with the Court on November 9, 2011. Notice of this filing will be served to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ John Winship Read  
John Winship Read (0030827)